

106TH CONGRESS
1ST SESSION

H. R. 2674

Providing for conveyance of the Palmetto Bend project to the State of Texas.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1999

Mr. PAUL introduced the following bill; which was referred to the Committee
on Resources

A BILL

Providing for conveyance of the Palmetto Bend project to
the State of Texas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Palmetto Bend Con-
5 veyance Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) PROJECT.—The term “Project” means the
9 Palmetto Bend Reclamation Project in the State of
10 Texas authorized under Public Law 90–562 (82
11 Stat. 999).

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (3) STATE.—The term “State” means the State
4 of Texas, acting through the Texas Water Develop-
5 ment Board and/or the Lavaca-Navidad River Au-
6 thority, or both.

7 **SEC. 3. CONVEYANCE.**

8 On receipt of payment in accordance with section
9 5(a), the Secretary shall convey to the State the title and
10 all rights and interests (excluding the mineral estate) in
11 and to the Project held by the United States.

12 **SEC. 4. COMPLETION OF CONVEYANCE.**

13 (a) IN GENERAL.—The Secretary shall expeditiously
14 complete the conveyance under section 3 including such
15 actions as may be required under the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

17 (b) REPORT.—If the conveyance under section 3 is
18 completed later than 1 year and 180 days after the date
19 of enactment of this Act, the Secretary shall submit to
20 the Committee on Resources of the House of Representa-
21 tives and the Committee on Energy and Natural Re-
22 sources of the Senate a report that describes—

23 (1) the status of the conveyance;

24 (2) any obstacles to completion of the convey-
25 ance; and

1 (3) the anticipated date for completion of the
2 conveyance.

3 **SEC. 5. PAYMENT.**

4 (a) IN GENERAL.—As a condition of the conveyance
5 under section 3, the State shall pay to the Secretary
6 \$48,000,000.

7 (b) OBLIGATION EXTINGUISHED.—On payment by
8 the State under subsection (a), the obligation of the State
9 under the Bureau of Reclamation contract numbered 14–
10 06–500–1880, as amended, shall be extinguished.

11 (c) ADDITIONAL COSTS.—In addition to the payment
12 under subsection (a), as a condition of conveyance, the
13 State shall bear the cost of all boundary surveys, title
14 searches, appraisals, and other transaction costs for the
15 conveyance.

16 (d) FINANCING.—Nothing in this Act shall be con-
17 strued to affect the right of the State to use a particular
18 type of financing.

19 (e) RECLAMATION FUND.—All funds paid by the
20 State to the Secretary under this section shall be credited
21 to the Reclamation Fund in the Treasury of the United
22 States.

23 **SEC. 6. FUTURE MANAGEMENT.**

24 (a) IN GENERAL.—As a condition of the conveyance
25 under section 3, the land, water, facilities, and mineral

1 estate of the Project shall continue to be managed by the
 2 State and operated for the purposes for which the Project
 3 was originally authorized, based on current use and his-
 4 toric operation, to ensure the implementation of fish, wild-
 5 life, and recreational activities.

6 (b) EXISTING OBLIGATIONS.—As a condition of the
 7 conveyance under section 3, the State shall assume all ob-
 8 ligations of the United States associated with the Project
 9 existing on the date of the conveyance, including obliga-
 10 tions under contracts, for recreation, fish and wildlife,
 11 easements, and any permits or license agreements.

12 **SEC. 7. MINERAL DEVELOPMENT.**

13 (a) IN GENERAL.—All mineral interests in the
 14 Project retained by the United States on completion of
 15 the conveyance under section 3 shall be subject to contin-
 16 ued use by the State for the purposes for which the
 17 Project was authorized, including—

- 18 (1) maintenance of the municipal and industrial
- 19 water supply;
- 20 (2) recreation; and
- 21 (3) fish and wildlife activities.

22 (b) SURFACE ESTATE.—The surface estate of the
 23 Project may be used for exploration, development, or pro-
 24 duction of oil, gas, or minerals only on approval by the
 25 State.

1 **SEC. 8. LIABILITY.**

2 (a) IN GENERAL.—Effective on the date of convey-
 3 ance of the Project, except as relates to retained mineral
 4 interests, the United States shall not be liable for damages
 5 of any kind arising out of any act, omission, or occurrence
 6 with respect to the Project, except for damages caused by
 7 acts of negligence committed prior to the date of convey-
 8 ance by—

9 (1) the United States; or

10 (2) an employee, agent, or contractor of the
 11 United States.

12 (b) NO INCREASE IN LIABILITY.—Nothing in this
 13 section increases the liability of the United States beyond
 14 that provided for in chapter 171 of title 28, United States
 15 Code.

16 **SEC. 9. FUTURE BENEFITS.**

17 (a) DEAUTHORIZATION.—Effective on the date of
 18 conveyance of the Project, the Project conveyed under this
 19 Act shall be deauthorized.

20 (b) NO RECLAMATION BENEFITS.—After deauthor-
 21 ization of the Project under subsection (a), the State shall
 22 not be entitled to receive any benefits under Federal rec-
 23 lamation law (the Act of June 17, 1902 (32 Stat. 388,
 24 chapter 1093), and Acts supplemental to and amendatory
 25 of that Act (43 U.S.C. 371 et seq.)).